

**From:** Minh Alexander <\*\*\*\*\*>  
**Subject:** F0015863 – Freedom of Information Act- Request for copies of AAIB staff surveys for 2010-2018  
**Date:** 3 April 2018 at 18:16:49 BST  
**To:** Crispin Orr \*\*\*\*\*  
**Cc:** \*\*\*\*\*  
\*\*\*\*\*

BY EMAIL

Crispin Orr  
Chief Investigator  
Air Accident Investigation Branch

3 April 2018

Dear Mr Orr,

### **Re FOI request for AAIB Staff Surveys**

Please see below the correspondence with AAIB.

In short, AAIB has refused to disclose copies of its staff surveys on grounds of FOIA exemption 36(2)(c), prejudice to the conduct of public affairs.

In my experience, this exemption is often a smokescreen that organisations rely upon when they seek to avoid embarrassment:

<https://minhalexander.com/2017/04/18/nhs-bodies-5-years-of-ico-decisions/>

As you will probably be aware, Mr Jeremy Hunt appointed your predecessor to the Healthcare Safety Investigation Branch on the premise that the NHS should learn from aviation.

The NHS in fact regularly publishes its national staff survey, as do government departments.

AAIB's secrecy regarding its own staff survey results is questionable, and embarrasses the Department of Health and Social Care's basis for transforming safety investigations in the NHS.

AAIB's staff survey results are a matter of public interest and I would be very grateful for your help in ensuring appropriate release of this information.

With best wishes,

Dr Minh Alexander

cc Rt Hon Jeremy Hunt  
Public Administration and Constitutional Affairs Committee  
Elizabeth Denham ICO

**From:** "Bass, Ian" <\*\*\*\*\*>  
**Subject:** F0015863 – Freedom of Information Act- Request for copies of AAIB staff surveys for 2010-2018  
**Date:** 3 April 2018 at 15:58:42 BST  
**To:** Minh Alexander <\*\*\*\*\*>  
**Cc:** FOI <[FOI@aaib.gov.uk](mailto:FOI@aaib.gov.uk)>

Dear Dr Alexander,

Thank you for your email which was received by the Air Accidents Investigation Branch (AAIB) on 3<sup>rd</sup> March 2018. You have asked for the following information under the Freedom of Information Act 2000 (FOIA):

*“Please disclose copies of all AAIB staff surveys undertaken by AAIB or on behalf of AAIB for the following years 2010/2011 to 2017/2018”.*

I am writing to advise you that the AAIB does hold information that is relevant to your request but regret to inform you of my decision not to disclose this information.

The information you have requested is being withheld under an exemption in section 36(2)(c) of the Freedom of Information Act because its disclosure would, or would be likely to, prejudice the effective conduct of

public affairs. The attached Annex A to this letter sets out this exemption in full.

In applying for this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosure. The key public interest factors for and against disclosure are shown in Annex A.

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA

E-mail: [FOI-Advice-Team-DFT@dft.gsi.gov.uk](mailto:FOI-Advice-Team-DFT@dft.gsi.gov.uk)

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

Yours sincerely

Ian Bass  
Air Accident Investigation Branch  
Farnborough House  
Berkshire Copse Road  
Aldershot  
Hampshire GU11 2HH

Tel: 01252 510300

Email: [foi@aaib.gov.uk](mailto:foi@aaib.gov.uk)

### **Your right to complain to AAIB and the Information Commissioner**

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition, a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
 Wycliffe House  
 Water Lane  
 Wilmslow  
 Cheshire  
 SK9 5AF

AAIB –Public Interest Test	
FOI Reference F0015863	Date: 29 <sup>th</sup> March 2018
Brief Summary of FOI	
<i>“Please disclose copies of all AAIB staff surveys undertaken by AAIB or on behalf of AAIB for the following years 2010/2011 to 2017/2018”.</i>	
Exemption in Full	
<p><b>36.—(1) This section applies to—</b></p> <p>(a) information which is held by a government department or by the Welsh Assembly Government and is not exempt information by virtue of section 35, and</p> <p>(b) information which is held by any other public authority.</p> <p>(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—</p> <p>(a) would, or would be likely to, prejudice —</p>	

- (i) ) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or
- (ii) the work of the Executive Committee of the Northern Ireland Assembly, or
- ) work of the Cabinet of the Welsh Assembly Government.
- ) would, or would be likely to, inhibit—
  - (i) ) the free and frank provision of advice, or
  - (ii) the free and frank exchange of views for the purposes of deliberation, or
  - (c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.
- (3) The duty to confirm or deny does not arise in relation to information to which this section applies (or would apply if held by the public authority) if, or to the extent that, in the reasonable opinion of a qualified person, compliance with section 1(1)
  - (a) would, or would be likely to, have any of the effects mentioned in subsection (2).
- (4) In relation to statistical information, subsections (2) and (3) shall have effect with the omission of the words “in the reasonable opinion of a qualified person”.

**Factors in Favour of Disclosure (please complete as fully as possible)**

Disclosure of people survey results beneath departmental level could enhance transparency for members of the public.

**Factors Against Disclosure (please complete as fully as possible)**

The aim of the survey is to help improve the effective conduct of the Civil Service. If the results of the survey beneath departmental level were to be released, staff may be less likely to provide honest and frank responses should they know their views were to be shared to the world at large. It could have a negative impact on morale within teams identified by the media for example, thereby reinforcing the risk of low participation and/or manipulated responses in future surveys.

**AAIB Decision (please complete as fully as possible)**

The information you have requested is being withheld in reliance on the exemption in section 36(2) (c) of the Freedom of Information Act because its disclosure would, or would be likely to, prejudice the effective conduct of public affairs.

**From:** Minh Alexander <\*\*\*\*\*>

**Subject:** AAIB staff survey

**Date:** 3 March 2018 at 10:34:18 GMT

**To:** [foi@aaib.gov.uk](mailto:foi@aaib.gov.uk)

Dear Sir,

For the following years:

2010/11  
2011/12  
2012/13  
2013/14  
2014/15  
2015/16  
2016/17  
2017/18

Please disclose copies of all AAIB staff surveys undertaken by AAIB or on behalf of AAIB.

If these reports are published, please direct me to where the reports are published.

Yours sincerely,

Dr Minh Alexander